

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 4:21-cr-00602-SRC
	)	
PAULO FINCH,	)	
	)	
Defendant.	)	

**Order**

Paulo Finch moves to dismiss the one-count indictment charging him with possession of a firearm by a convicted felon in violation of 18 U.S.C. § 922(g)(1). Doc. 69. Finch argues that prosecution of this offense violates his Second Amendment rights. *Id.* However, Finch acknowledges that “the Eighth Circuit has taken the extraordinary step of preemptively foreclosing all as-applied challenges,” citing *United States v. Jackson*, 110 F.4th 1120 (8th Cir. 2024). *Id.* at 7.<sup>1</sup> Further, “Finch recognizes this Court must apply *Jackson*, but he file[d] this motion to preserve the issue.” *Id.*

The Court referred Finch’s motion to United States Magistrate Judge Noelle C. Collins pursuant to 28 U.S.C. § 636(b). Judge Collins held a short motion hearing on November 15, 2024. Doc. 76. On December 5, 2024, Judge Collins issued a Report and Recommendation recommending that the Court deny Finch’s motion. Doc. 77. On January 19, 2024, Finch filed an objection to Judge Collins’s R&R. Doc. 83. Finch objects to the R&R’s “reliance on *Jackson*’s flawed conclusion that all challenges to 18 U.S.C. [§] 922(g)(1) must fail from the

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<sup>1</sup> The Court cites to page numbers as assigned by CM/ECF.

outset.” *Id.* at 2. However, “Finch concedes this Court is . . . bound by *Jackson* and, in following the Eighth Circuit, must deny his Motion to Dismiss.” *Id.*

When a party objects to a magistrate judge’s R&R, the district judge must conduct a de novo review of the portions of the report, findings, or recommendations to which the party objected. *See* 28 U.S.C. § 636(b)(1) (“A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.”); *United States v. Lothridge*, 324 F.3d 599, 600 (8th Cir. 2003) (citing 28 U.S.C. § 636(b)(1)). In making its de novo determination, the Court reviewed the record related to Finch’s motion.

The Court agrees with Judge Collins’s conclusion that the Court is bound by Eighth Circuit precedent and that Finch’s argument is foreclosed by *United States v. Jackson*, 110 F.4th 1120 (8th Cir. 2024). Therefore, the Court (1) overrules Finch’s [83] objection, (2) sustains, adopts, and incorporates Judge Collins’s [77] Report and Recommendation, and (3) denies Finch’s [69] Motions to Dismiss.

So ordered this 6th day of February 2025.

  
STEPHEN R. CLARK  
CHIEF UNITED STATES DISTRICT JUDGE